

January 28, 2011

SENATE EDUCATION

EXHIBIT NO. 11

DATE 1-24-11

BILL NO. SB141

SB141: An act promoting safe schools....

Introduced by: K. Gillan

While I would agree that schools should be safe and promote an effective learning environment, I stand in opposition to this bill.

The First Amendment of the US Constitution provides for the freedom of speech, whether or not we like what someone says. I do not like the sex and violence on TV and in the movies, but it is protected under the First Amendment.

I would agree that insulting, demeaning, and harassing conduct, in whatever form, is upsetting and disruptive. However, it is not the State's responsibility to control what a person says, writes, or thinks.

There are laws already in place to handle and prosecute threats to a person, so we do not need to duplicate those.

There are degrees to derogatory or insulting names, gestures (some are obviously more offensive than others), and bad social behavior. Who decides what names or gestures constitute insulting or demeaning behavior? We can probably all agree on some names and gestures as being insulting, but a shy, introverted person may take being called a geek as an insult and have cause to complain and prosecute under this bill.

Laws need to be objective, not subjective, or there will surely be lawsuits.

Where is the fiscal note? Developing, publishing, enforcing, and defending a policy as outlined in this bill will not come free.

The bottom line is that tolerance and sensitivity cannot and should not be legislated, but rather taught and practiced by parents, teachers...basically everyone. We need to teach by example, not by legislation.

I ask the members of the committee to by voting NO on this bill.

Thank you,

Cindy Swank

6670 Sleeping Giant View
Helena, MT 59602

5102 Road 2041
Poplar, MT 59255